

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

IN RE: BROILER CHICKEN GROWER
ANTITRUST LITIGATION

This Document Relates To All Cases

No. 6:20-md-02977-RJS-CMR

The Honorable Chief Judge
Robert J. Shelby
Hon. Cecilia M. Romero

**STATUS REPORT REGARDING NON-PARTY HOUSE OF RAEFORD FARMS, INC.'S
COMPLIANCE WITH SUBPOENAS**

Pursuant to the Court's Minute Order, dated March 23, 2021 (Dkt. No. 64), Plaintiffs submit this status report regarding the Motion for an Order Compelling Non-Party House of Raeford Farms, Inc.'s Compliance with Subpoenas (the "Motion") (Dkt. No. 62).

Plaintiffs and House of Raeford Farms, Inc. ("HRF") (together, the "parties") are continuing to work together to resolve the various issues raised in Plaintiffs' Motion. Previously, the parties reached agreement on the time period for unstructured and structured data collections and the identity of HRF custodians. HRF has completed its production of Agri Stats Live Reports and exemplar grower contracts and agreed to produce the following by May 7, 2021: (1) custodial documents and ESI; (2) non-custodial documents; and (3) structured data.

HRF made the bulk of its production of custodian documents and ESI on April 30, 2021. Plaintiffs were surprised to find that the production contained only 849 documents, including fewer than 20 documents each from 7 of the agreed upon custodians, and fewer than 20 documents from each of the years 2009 through 2014. Plaintiffs were also surprised by the absence of certain types of documents that are abundant in the files of other integrators, including documents analyzing or discussing grower pay and the Agri Stats reports covering grower pay that HRF received.

Plaintiffs and HRF met and conferred on May 14, 2021. During the meet and confer, counsel for HRF asserted that HRF used the search terms listed in the Motion to Compel, a list of agreed upon custodians, and certain specified time periods, and that while the original collection of documents numbered in the hundreds of thousands of documents, the final production set of fewer than 900 documents was the result of the review for responsiveness.

Counsel for HRF discussed further quality control checks to determine whether specific types of document may need a re-review for responsiveness. Plaintiffs asked that HRF provide the total number of documents that hit on Plaintiffs' specified search terms, agreed custodians, and specified time periods so that Plaintiffs could focus in on those terms where there is a particular concern that documents were improperly marked as nonresponsive. HRF said it would consider that request, and a request by Plaintiffs to perform further review of documents that hit on a limited number of Plaintiffs' specified search terms.

Plaintiffs maintain their concern about the number of documents produced, but Plaintiffs will continue to work with HRF assuming HRF is committed to providing the information necessary to diagnose the issues. Plaintiffs are working diligently to resolve these issues and will renew the effort to compel a complete production as soon as possible if the parties reach impasse.

Dated: May 17, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2021, I electronically transmitted a true and correct copy of the foregoing document to the Clerk of Court for filing using the CM/ECF system, which will send notification of such filing to all counsel of record, and that I caused an email to be sent to counsel for House of Raeford Farms, Inc.

/s/ Gary I Smith, Jr.

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